

EXHIBIT 10

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CATHERINE MCKOY, et al.,)
Plaintiffs,)
VS.) NO. 18-CV-09936 (LGS)
THE TRUMP CORPORATION,)
et al.,)
Defendants.)

_____)

DEPOSITION OF:
CATHERINE MCKOY
TUESDAY, JUNE 21, 2022
10:15 A.M.

REPORTED BY:
Sari M. Knudsen
CSR No. 13109

1 that influenced you? 2:48:23

2 A I can't remember word for word. But it was 2:48:27

3 like, this is a good -- this is a good product to 2:48:31

4 get the business -- business to get into or product. 2:48:34

5 I don't remember what he said exactly. But it was 2:48:36

6 to the fact that it's a good program to get into, 2:48:39

7 and he would -- he got -- he would buy it if they 2:48:45

8 allowed him. But they only allow him to be part of 2:48:50

9 the program or -- you know, part of the business 2:48:53

10 instead of owning it. 2:48:56

11 Q And what did you understand that to mean, 2:48:59

12 that he was part of the business but couldn't own 2:49:02

13 it? 2:49:02

14 A Well, I -- they explained it. That he 2:49:05

15 wanted to own the business, but the owner of ACN 2:49:09

16 wanted to keep it for -- so that people like us 2:49:14

17 would -- less fortunate could join and make money 2:49:18

18 from it. 2:49:19

19 Q Okay. And so what did you understand 2:49:23

20 Trump's relationship to ACN was as a result of that 2:49:26

21 video? 2:49:28

22 A What I understand his relationship to ACN? 2:49:33

23 That he was a member. 2:49:35

24 Q In -- and he was receiving payments? 2:49:36

25 A Yes. 2:49:37

1 Q Okay. 2:49:38

2 MR. CELLI: Objection to the form. 2:49:41

3 THE WITNESS: Sorry. 2:49:41

4 MR. CELLI: But you need to let him -- Cathy, 2:49:43

5 you need to let him finish the question. Okay? 2:49:46

6 It's very important. 2:49:47

7 THE WITNESS: Okay. Sorry. 2:49:48

8 BY MR. JOHNSON: 2:49:48

9 Q Was it discussed in the video how much he 2:49:52

10 was receiving in payments from ACN? 2:49:55

11 MR. CELLI: Objection to the form. 2:49:56

12 THE WITNESS: No. 2:49:56

13 BY MR. JOHNSON: 2:49:56

14 Q Okay. But you came away with an 2:49:59

15 understanding that he was generating income from 2:50:02

16 ACN. Is that fair to say? 2:50:05

17 A Yes. 2:50:05

18 MR. CELLI: Objection to the form. 2:50:06

19 BY MR. JOHNSON: 2:50:06

20 Q Any other statements that Trump -- Mr. 2:50:13

21 Trump made during the video that influenced you? 2:50:19

22 A This is a good business. About -- he talks 2:50:25

23 about the -- what you call it? My charity work. 2:50:32

24 Q He talked about his charity work? 2:50:34

25 A My charity. They talk about charity. And 2:50:38

1 (Whereupon the reporter asked for 3:46:06
2 clarification) 3:46:06
3 THE WITNESS: This is a man that won't need my 3:46:06
4 little bit of money. So yes, I joined this, you 3:46:18
5 know. Not for -- 3:46:18
6 BY MR. JOHNSON: 3:46:18
7 Q So I need to make sure I'm understanding 3:46:21
8 this. 3:46:23
9 Your mother told you all of this about 3:46:26
10 Donald Trump. 3:46:27
11 MR. CELLI: Objection to the form. 3:46:28
12 THE WITNESS: What do you mean? My mother told 3:46:30
13 me about what? 3:46:31
14 BY MR. JOHNSON: 3:46:31
15 Q You said that he was a businessman and -- 3:46:33
16 A No. 3:46:34
17 Q -- he fired people. 3:46:35
18 A No. No. No. No. No. The show he was 3:46:39
19 on, my mom and my sisters, they would watch that 3:46:42
20 show. 3:46:42
21 Q Correct. 3:46:43
22 A So they talk about him in the show. On my 3:46:48
23 round table, they talking. I'm listening to them 3:46:50
24 talking about this businessman that, you know, he's 3:46:53
25 a good guy because he just -- he knows how to make 3:46:56

1 money. 3:46:56

2 Q And -- 3:46:57

3 A When I -- 3:46:59

4 Q Sorry. Do you have more you want to say? 3:47:01

5 A When I went to ACN and they put up 3:47:05

6 Donald Trump, that's what convinced me to sign into 3:47:08

7 ACN. Because I said, okay. This is the same guy my 3:47:12

8 mom, they are talking about. 3:47:14

9 Q Okay. 3:47:14

10 A You know, he's a businessman. 3:47:16

11 Q Okay. So this is a very simple question. 3:47:20

12 Other than what your mom and your sister 3:47:22

13 had said about Donald Trump before you went to the 3:47:26

14 meeting, had you ever heard of Donald Trump? 3:47:30

15 A No. 3:47:31

16 Q No. Did you know anything about his 3:47:33

17 reputation? 3:47:34

18 A No. 3:47:35

19 Q Okay. So what you knew about Donald Trump 3:47:39

20 by the time you went to that first meeting, you got 3:47:42

21 from your mom and your sister? 3:47:44

22 A Yes. 3:47:45

23 Q Okay. Thank you. 3:47:46

24 So essentially they were vouching for 3:47:51

25 Donald Trump. Is that fair to say? 3:47:56

1 MR. CELLI: Objection. 3:47:56

2 THE WITNESS: I wouldn't say they were vouching 3:47:58

3 for her. Like they were watching a program where he 3:48:02

4 was the head of the program -- the businessman. So 3:48:07

5 if you want to put it that way, I guess. 3:48:10

6 BY MR. JOHNSON: 3:48:10

7 Q And so let's -- let's get back to the 3:48:15

8 question that cut us off on all those other 3:48:20

9 questions. 3:48:20

10 You felt that you were misled -- why? -- by 3:48:29

11 Donald Trump? 3:48:30

12 MR. CELLI: Objection to the form. 3:48:31

13 THE WITNESS: Well, for the simple fact that he 3:48:34

14 said that this is -- he says I -- he checked it out. 3:48:40

15 It's a good business. And if you do the work, you 3:48:45

16 will make the money. I did the work. 3:48:47

17 BY MR. JOHNSON: 3:48:47

18 Q Okay. Let's break that down then. 3:48:50

19 So -- okay. He said if you do the work, 3:49:07

20 you will make money. 3:49:08

21 What about that was false? 3:49:13

22 A I did the work. I didn't make money. 3:49:15

23 Q Did he tell you how much work you had to 3:49:18

24 do? 3:49:21

25 A No. 3:49:22

1 Q Did you make any money? 3:49:23

2 A I made \$38. 3:49:25

3 Q Okay. So it's true that you could make 3:49:29

4 money. Correct? 3:49:35

5 A I guess. 3:49:36

6 Q You heard testimonials from other people? 3:49:39

7 A Saying they made money. 3:49:40

8 Q And do you think they were lying to you? 3:49:44

9 A I don't know. I don't think so. 3:49:49

10 Q Did you talk to anybody that made money? 3:49:51

11 Did Tamara make money for instance? 3:49:54

12 MR. CELLI: Objection to the form. 3:49:55

13 THE WITNESS: She never talks about it. 3:49:58

14 BY MR. JOHNSON: 3:49:58

15 Q Did you ask her? 3:50:01

16 A Yeah. And they always tell you, you know, 3:50:03

17 you are not to talk about what you make. You just 3:50:07

18 let the people know you are making your money. 3:50:09

19 And that's why I pulled out of ACN for that 3:50:11

20 fact. Because when they did -- when I made my \$38 3:50:15

21 after spending so much money, they said to me, 3:50:18

22 "Okay. See, you made money. So now you could go 3:50:21

23 and let them know you made money." 3:50:23

24 And I'm like, "Well, I really didn't make 3:50:25

25 money because this is \$38 compared to what I spent." 3:50:29

1 I'm just going to listen in and see what go on. And 3:58:27
2 then they had this guy Byron came up. Can't stand 3:58:32
3 him. He was arrogant and mean and everything else. 3:58:36
4 I wasn't going to join period. I was ready to 3:58:40
5 leave. 3:58:42

6 And then they put up Trump. And when he 3:58:45
7 talks about the program and ACN, and I wanted to get 3:58:49
8 into it. And these people only allow me to be just 3:58:53
9 like you guys. You know, join like you guys. And 3:58:57
10 this business is a good business. If you join this 3:58:59
11 business and you do the work, you will see the 3:59:02
12 money. You will make the money. 3:59:03

13 I said, "Oh, well." I remember my mom and 3:59:07
14 them talking about this guy. He's a rich guy. And 3:59:12
15 if he's into this ACN, there must be something about 3:59:15
16 it. I will join because this guy Donald Trump is 3:59:20
17 the one that encouraged that. He did the research 3:59:23
18 on this business. He knows that this is a good 3:59:26
19 business. I don't know anything about business. So 3:59:28
20 he knows. I'm going with what he says. 3:59:31

21 Q Okay. But you understood from his 3:59:34
22 statement that there was work that had to be done? 3:59:36

23 A Yes. 3:59:37

24 Q Okay. So let me go slow. Let me go slow 3:59:40
25 so I make sure I understand everything you are 3:59:42

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

CATHERINE MCKOY, MILLARD WILLIAMS,
MARKUS FRAZIER, and LYNN CHADWICK,
individually and on behalf of all others
similarly situated,

Plaintiffs,

No.
1:18-cv-09936-LGS

-against-

THE TRUMP CORPORATION, DONALD J. TRUMP,
in his personal capacity, DONALD TRUMP
JR., ERIC TRUMP, and IVANKA TRUMP,

Defendants.

- - - - - x

77 Water Street
New York, New York 10005

April 27, 2022
10:13 a.m.

VIDEOGRAPHED EXAMINATION BEFORE TRIAL
of LYNN CHADWICK, the Plaintiff herein,
taken by THE DEFENDANT, in the
above-entitled action, held at the above
time and place, taken before CYNTHIA C.
LANANNA, a Shorthand Reporter and Notary
Public within and for the State of
New York.

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Page 22

1
2 Q. -- more about what ACN was?
3 Remember to wait until I'm done.
4 A. Sorry.
5 Q. Where was that meeting held?
6 A. In a hotel at Eddystone. I
7 believe it was the Radisson at the
8 time. It's changed.
9 Q. And how many people were present
10 at that meeting?
11 A. About twelve.
12 Q. Was there a person or persons
13 who was leading the meeting?
14 A. They were.
15 Q. Who were those people; do you
16 know?
17 A. [REDACTED], which -- and then
18 Jessica Howard, who was [REDACTED] mentor.
19 Q. [REDACTED]
20 A. Yes.
21 Q. And who was [REDACTED] to your
22 understanding?
23 A. [REDACTED] at the time was --
24 he wasn't yet a regional. I think team
25 coordinator might have been his

Page 23

1
2 position. He represented the ACN
3 company.
4 Q. And what was Jessica Howard's
5 position; do you know?
6 A. She was just above an IBO. I
7 want to say ETT. Not really sure what
8 those letters meant or mean.
9 Q. Did you know either of them
10 beforehand?
11 A. I did not.
12 Q. What happened at that meeting,
13 to your recollection?
14 A. So we were at the
15 meeting still -- I'm not sure what was
16 going on -- and we were giving a
17 form -- passed out a form just to hang
18 onto and maybe fill out while we were
19 getting everybody ready, and then they
20 presented a video of the ACN.
21 Q. What was the content of that
22 video, to your knowledge?
23 A. To my recollection, the video
24 expressed Donald Trump's interest in
25 the ACN business model. He was

Page 24

1
2 presented with a snippet from The
3 Apprentice show, which showed a very
4 successful business model and low-risk
5 opportunities for us to get involved on
6 the ground level, then it just kind of
7 showed what ACN Corporation looked
8 like, the headquarter in
9 North Carolina.
10 Q. Did anybody else other than
11 Donald Trump speak during that video?
12 A. There were ACN representatives.
13 [REDACTED] -- I always forget his last name,
14 but he's the president of the ACN
15 company. He had a little verbiage in
16 there.
17 Q. Was there a particular person
18 who was the narrator or presenter of
19 that video?
20 A. If there was, I don't recall.
21 Q. Do you recall specifically what
22 Donald Trump said in that video as
23 opposed to what anyone else might have
24 said?
25 A. Not verbatim, but I do -- the --

Page 25

1
2 the message was, you know, it was a
3 ground-level opportunity, it was a
4 great business model, and -- and we
5 could be successful with residual
6 income, which I had never heard about
7 before.
8 Q. After the video was shown, was
9 there discussion with the people who
10 were present?
11 A. Yes. They -- we just talked a
12 little bit about the progress of
13 joining the business.
14 Q. Was there anything else
15 presented by [REDACTED] or
16 Jessica Howard about why ACN was a good
17 thing to get involved with or otherwise
18 about their business model?
19 MR. BRINCKERHOFF: I'm just
20 going to object to the form of
21 the question. You can answer,
22 but it's just for the form.
23 A. There was a -- a cardboard
24 cutout of Donald Trump at these
25 meetings that was very empowering, and

7 (Pages 22 to 25)

Page 38

1
2 A. Outside of Tupperware, no.
3 Q. Had you ever been involved with
4 Tupperware?
5 A. No.
6 Q. Before you signed on with ACN,
7 did you do any research to find out
8 anything about multi-level marketing?
9 A. I did not.
10 Q. Before you became involved with
11 ACN, did you have any experience with
12 sales?
13 MR. BRINCKERHOFF:
14 Objection. You can answer.
15 A. No.
16 Q. As of April 2013, where were you
17 living?
18 [REDACTED]
19 [REDACTED]
20 Q. Is that a private home?
21 A. Yes.
22 Q. Were you and/or your husband
23 owners or renting?
24 A. My son, [REDACTED], was
25 the owner. We lived together.

Page 40

1
2 Q. In documents you received from
3 ACN at the time you were considering
4 signing up, was there anything stated
5 about any potential risks of becoming
6 involved with ACN?
7 A. No.
8 Q. Was there anything stated in any
9 of those documents about the notion
10 that there was no guarantee that you
11 would make any particular money?
12 A. I don't recall.
13 Q. When you were signing on, did
14 you believe that you were guaranteed to
15 make money or did you believe that that
16 was a possibility to make money?
17 A. I believe it was almost a
18 guarantee to make money.
19 Q. And what was the basis for your
20 belief that you were guaranteed to make
21 money?
22 A. The promotive speech from the
23 Donald Trump Organization. Donald
24 Trump on the video with his notoriety
25 in The Apprentice. Just thought it was

Page 39

1
2 Q. Did you own a car at the time?
3 A. Leased.
4 Q. Did you have any savings at that
5 time?
6 A. No.
7 Q. Were you the primary breadwinner
8 in your family at that time?
9 A. Yes.
10 Q. Did you have any discussions
11 with your husband about whether he
12 should also sign up for ACN?
13 A. Never considered it.
14 Q. Why not?
15 A. We didn't have the best
16 marriage.
17 Q. Did you ever ask your niece
18 [REDACTED] what kind of money you might be
19 able to earn if you became involved
20 with ACN?
21 A. No.
22 Q. Did you ever discuss that with
23 anybody else before you signed on with
24 ACN?
25 A. No.

Page 41

1
2 a no-brainer.
3 Q. Did you take any notes that you
4 wrote down at or about that time about
5 ACN?
6 A. Yes.
7 Q. Do you still have those notes?
8 A. I turned them over to Counsel as
9 well.
10 MR. SHAPIRO: I don't think
11 we received any notes. I call
12 for the production of that if
13 they exist.
14 MR. BRINCKERHOFF: Any --
15 anything we've received has been
16 turned over.
17 Q. Subsequent to the time that you
18 attended that initial ACN meeting, have
19 you ever seen the video that was
20 presented during that meeting?
21 A. No.
22 Q. What was your understanding at
23 the time you were becoming involved
24 with ACN as to what you would need to
25 do to generate income?

11 (Pages 38 to 41)

Page 46

1
2 A. I asked Jessica Howard.
3 Q. Did she offer an explanation?
4 A. She explained that I needed a
5 total of -- at this time -- four
6 services in order to receive residual
7 income from...
8 Q. Does that mean four customers or
9 fewer customers who -- potentially who
10 received a total of four services?
11 MR. BRINCKERHOFF:
12 Objection. You can answer.
13 A. Either way.
14 Q. And how many services had your
15 two customers signed up for?
16 A. The PICO. The energy.
17 Q. Were those the only two
18 customers that you signed up for during
19 the entire time you were involved with
20 ACN?
21 A. That's correct.
22 Q. Did you recruit anybody to join
23 ACN who joined?
24 A. I recruited my son.
25 Q. Anybody else?

Page 48

1
2 be under the same household, it didn't
3 warrant a new recruit criteria.
4 Q. Did you explain that he didn't
5 actually live in -- in the same home as
6 you?
7 A. I absolutely did.
8 Q. What did Ms. Howard say?
9 A. I preempted before his signing
10 explaining that he lived somewhere
11 else, and I was led to believe that
12 wasn't going to be the issue, and when
13 it became an issue -- when it became
14 real, she couldn't offer a satisfactory
15 answer. It was just, "that's the way
16 it is. You must have misunderstood
17 the -- the process."
18 Q. Did you do anything to try and
19 appeal or complain further after she
20 provided that explanation to you?
21 A. No. My son and I just figured
22 we'd hunker down and give it a try, and
23 we still had faith in...
24 Q. After the initial meeting that
25 you had with ACN you've testified

Page 47

1
2 A. I recruited a girl, and I can't
3 remember if she joined or not. Her
4 name was [REDACTED] [phonetic].
5 She came to one of the meetings.
6 Q. Did you earn any income as a
7 result of having recruited your son?
8 A. No.
9 Q. Did you believe that you were
10 supposed to earn any income as a result
11 of recruiting --
12 A. I absolutely was.
13 Q. Did you ever speak to anybody at
14 ACN to complain that you hadn't
15 received income from recruiting him?
16 A. I did.
17 Q. Who did you speak to?
18 A. Jessica Howard.
19 Q. What did she say when you
20 complained?
21 A. That [REDACTED] legal address was
22 residing in the -- so he lived in my
23 son's garage at the moment, and he
24 hadn't changed his ID to where he was
25 residing, so because it was presumed to

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1
2 about, did there come another time that
3 you attended an ACN meeting?
4 A. I attended several.
5 Q. What was the next one or the
6 second one?
7 A. They would be Tuesday nights for
8 a while held at the same location.
9 Q. And were those run by the same
10 people who ran the first meeting?
11 A. Yes. With an occasional
12 [REDACTED], which was the president
13 of, like, the region. He would show
14 up. Guest speakers.
15 Q. Approximately how many meetings
16 at that location did you attend?
17 A. That location, I'll say no more
18 than five. The capacity grew, so they
19 needed to move to a larger venue.
20 Q. When did that happen?
21 A. Within that first year they
22 would move to the Holiday Inn in
23 Philadelphia. It had a bigger room.
24 Q. And was that because there were
25 more attendees?

13 (Pages 46 to 49)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

CATHERINE MCKOY, MILLARD WILLIAMS,
MARKUS FRAZIER, and LYNN CHADWICK,
individually and on behalf of all others
similarly situated,

Plaintiffs,

No.
1:18-cv-09936-LGS

-against-

THE TRUMP CORPORATION, DONALD J. TRUMP,
in his personal capacity, DONALD TRUMP
JR., ERIC TRUMP, and IVANKA TRUMP,

Defendants.

- - - - - x

77 Water Street
New York, New York 10005

May 17, 2022
10:05 A.M.

VIDEOGRAPHED EXAMINATION BEFORE TRIAL
of MARKUS FRAZIER, the Plaintiff herein,
taken by THE DEFENDANT, in the
above-entitled action, held at the above
time and place, taken before CYNTHIA C.
LANANNA, a Shorthand Reporter and Notary
Public within and for the State of
New York.

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1 M. FRAZIER
 2 business and had stopped being
 3 otherwise employed?
 4 MR. S. SHAPIRO: Objection.
 5 A. I have no -- I don't recall.
 6 Q. Was there anything that you
 7 heard or read that said that you would
 8 be able to make enough money through
 9 ACN that you wouldn't have to work
 10 anymore?
 11 A. I felt like from the YouTube
 12 videos of Donald Trump, those were --
 13 those were the words of motivation that
 14 made me at least attempt to make an
 15 effort to make money.
 16 Q. Did Donald Trump say that you
 17 would make enough money that you
 18 wouldn't have to work anymore in any of
 19 those videos?
 20 A. It was more of him saying he
 21 vouched for the business.
 22 Q. And did you understand from his
 23 vouching for the business that that
 24 meant that if you signed on you'd make
 25 enough money that you wouldn't have to

Page 75

1 M. FRAZIER
 2 work anymore?
 3 A. If Donald Trump, a successful
 4 businessman as it is, vouches for a
 5 company like that, I am pretty sure
 6 that I could also be just as
 7 successful.
 8 Q. As successful as what?
 9 A. As any other person that works
 10 for ACN.
 11 Q. And did you have any basis to
 12 determine how successful anybody who
 13 worked for ACN was?
 14 MR. S. SHAPIRO: Objection.
 15 A. The -- the -- the -- the -- the
 16 approval stamp of Mr. Donald Trump
 17 saying that was all I needed.
 18 Q. Do you have any reason to
 19 believe that it was not possible for
 20 you to be successful as an ACN IBO?
 21 MR. S. SHAPIRO: Objection.
 22 A. I wanted to be successful. That
 23 was all in my head.
 24 Q. And would it be accurate to say
 25 that ultimately you were not

Page 76

1 M. FRAZIER
 2 successful?
 3 MR. S. SHAPIRO: Objection.
 4 A. I tried all my best.
 5 Q. And despite trying, you were
 6 unsuccessful; is that fair to say?
 7 A. I tried.
 8 Q. And do you believe that there
 9 was anything about ACN's business that
 10 prevented you from being successful?
 11 MR. S. SHAPIRO: Objection.
 12 A. I'm not sure how to answer that.
 13 Can you rephrase the question?
 14 Q. Sure.
 15 MR. P. SHAPIRO: Could you
 16 read it back?
 17 (Whereupon, the record was
 18 read by the reporter.)
 19 Q. Having been an IBO in ACN for a
 20 year, did that experience lead you to
 21 conclude that you couldn't possibly be
 22 successful as an ACN IBO?
 23 MR. S. SHAPIRO: Objection.
 24 A. From what the materials were
 25 there and what I tried to do and made

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1 M. FRAZIER
 2 the attempt of being a successful IBO,
 3 I'd say there was as much as I could
 4 do. That was all I had.
 5 Q. Would it be accurate to say that
 6 you were unsuccessful, despite your
 7 best efforts, but it was possible that
 8 you could have been successful?
 9 MR. S. SHAPIRO: Objection.
 10 A. I didn't really look at the
 11 unsuccessful part. I just wanted to
 12 look as front forward as possibly and
 13 be successful with at least one -- one
 14 sale. I really made that maximum
 15 effort with being working as well and
 16 trying to do ACN. Sometimes it was a
 17 little bit overbearing, but I didn't
 18 give up.
 19 Q. After you were done with ACN did
 20 you come to the conclusion that you
 21 couldn't possibly have succeeded?
 22 A. I didn't think that.
 23 Q. Did you come to any conclusions
 24 about the reasons that you did not
 25 succeed as an ACN IBO?

20 (Pages 74 to 77)